

REMARKS

Claims 1-27 are pending in the application. Claims 1-27 are subject to the Requirement for Restriction.

Restriction Requirement

The Examiner requires restriction to one of the following inventions under 35 U.S.C. §§ 121 and 372:

- Group I: Claims 1-13, allegedly drawn to a polymeric composition;
- Group II: Claims 14-16, allegedly drawn to a composition with added polymer; and
- Group III: Claims 17-27, allegedly drawn to a method of making a composition.

Election

In order to be responsive to the requirement for restriction, Applicants elect the invention set forth in Group 1, Claims 1-13, with traverse.

Traverse

Notwithstanding the election of the invention set forth in Group 1 in order to be responsive to the Restriction Requirement, Applicants respectfully traverse the Examiner's requirement for restriction.

The Examiner has stated that the groups of inventions set forth in the Restriction Requirement do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they allegedly lack the same or corresponding special technical feature. In particular, the Office states that "the further composition of Group II has the [further] former polymer to rely on for potential patentability, while the method has a melt kneading requirement to rely on for potential patentability."

Even if the Examiner's characterization of Groups I-III were to be considered correct, Applicants respectfully request that at least the inventions defined in claims 1-16, i.e. Group I and II

be examined in the instant application,. In this regard, Applicants note that the claims of Group II depend from claim 1 of Group I. Therefore, Applicants respectfully submit that these Groups should be examined together.

Furthermore, Applicant's traversal is based upon the fact that Groups I, II, and III share a common special technical feature. The claims of Groups II and III require the compositions of the claims of Group I. Thus, the special technical feature for Groups I-III is (at least) the composition of the claims of Group I.

Applicant respectfully reminds the Office that the Unity of Invention rules are intended to allow the Patent Office to group claims together based upon common technical features. The Rules essentially state that, as a means for determining what a "special technical feature" may be, an Examiner may consider those features that distinguish the claims from the prior art. Those claims that share this common feature should be grouped together for purposes of examination. Applicants respectfully note that, regardless of whether the Patent Office makes an initial determination that a particular *shared* feature is present in the prior art, claims sharing that feature should still be grouped together for examination.

In the instant application, Applicants respectfully submit that the Office has not presented any prior art that shows a distinction of the pending claims. For at least this reason, the Examiner should withdraw the Restriction Requirement. Moreover, Applicants note that the Restriction Requirement *must* be withdrawn if the claims of Group I are deemed allowable.

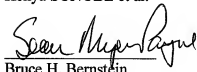
Thus, Applicants respectfully request that the Office reconsider the requirement for restriction based upon what Applicant believes is an improper application of the unity of invention rules, and consider Groups II and III with elected Group I. If the Office maintains the restriction requirement, Applicants respectfully request that the claims of Group II be immediately rejoined and allowed upon the finding that the subject matter of Group I is allowable.

For all of the above reasons, the Examiner's restriction is believed to be improper, and Applicants request that the restriction requirement be withdrawn and all pending claims examined on the merits. However, in order to fully comply with the restriction requirement,

Applicants have elected, with traverse, the invention defined by Group I, *i.e.*, claims 1-13, in the event that the Examiner chooses not to reconsider and withdraw the restriction requirement.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Kenya SONOBE et al.

A handwritten signature in dark ink, appearing to read "Bruce H. Bernstein", is written over a horizontal line.

Bruce H. Bernstein

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